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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURES EXAMINING
GROUP 1794

Docket No.: 4845-0101PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. HASCHEN et al.

Application No.: 10/530,290

Confirmation No.: 3643

Filed: June 14, 2005

Art Unit: 94

For: FERMENTATION BYPRODUCT FEED
FORMULATION AND PROCESSING

Examiner: K. J. Bekker

STATEMENT OF SUBSTANCE OF INTERVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Interview Summary which is attached to the Supplemental Notice of Allowability dated January 12, 2010, Applicants respectfully submit this Statement of Interview.

Although Applicants' below named representative was not present at the interview dated January 4, 2010, in which Examiners Bekker, Hendricks and Krynski participated, Applicants' below named representative had previously asked Examiner Bekker to reconsider (1) the cancellation of claims 109-111, 116 and 119-122, and (2) the denial of entry of Applicants'

Amendment, filed on October 16, 2009, in the Examiner's Amendment attached to the Notice of Allowability dated December 22, 2009, and had also discussed this matter with Examiner Krynski. Reasons presented to Examiner Bekker and to Examiner Krynski for these requested actions include the facts that claims 109-111, 116 and 119-122 appear to contain allowable subject matter because (1) the final rejection of those claims under 35 USC §103(a) had been reversed by the Board decision mailed October 16, 2009, and (2) no new art rejections were presented subsequent to that decision. Additionally, the only rejections of claims 109-111, 116 and 119-122 were based on 35 USC §112, second paragraph, thereby indicating that those claims are allowable except as to form. It was pointed out to Examiners Bekker and Krynski that in such circumstances, MPEP §707/07(j) requires an Examiner to indicate to an Applicant that, if properly claimed, such claims may be given favorable consideration and to indicate to an Applicant that those claims would be allowable if rewritten or amended to overcome the rejections under 35 USC §112, second paragraph.

Furthermore, with respect to the Supplemental Notice of Allowability dated January 21, 2010, Applicants' below-named representative also asked Examiner Bekker to initial the citation of JP 59-095850-A on the PTO/SB/08 submitted in an Information Disclosure Statement (IDS) filed on August 12, 2009 because the IDS indicated the relevance of that document with reference to related U.S. Patents, benefit of those related U.S. patents having been claimed in JP 59-095850-A.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 11, 2010

Respectfully submitted,

By 

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